

1-1 By: Creighton S.B. No. 455
 1-2 (In the Senate - Filed February 4, 2015; February 9, 2015,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 28, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 28, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 455 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to special three-judge district courts convened to hear
 1-22 certain cases.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle A, Title 2, Government Code, is amended
 1-25 by adding Chapter 22A to read as follows:

1-26 CHAPTER 22A. SPECIAL THREE-JUDGE DISTRICT COURT

1-27 Sec. 22A.001. ELIGIBLE PROCEEDINGS. (a) The attorney
 1-28 general may petition the chief justice of the supreme court to
 1-29 convene a special three-judge district court in any suit filed in a
 1-30 district court in this state in which this state or a state officer
 1-31 or agency is a defendant in a claim that:

1-32 (1) challenges the finances or operations of this
 1-33 state's public school system; or

1-34 (2) involves the apportionment of districts for the
 1-35 house of representatives, the senate, the State Board of Education,
 1-36 or the United States Congress, or state judicial districts.

1-37 (b) A petition filed by the attorney general under this
 1-38 section stays all proceedings in the district court in which the
 1-39 original case was filed until the chief justice of the supreme court
 1-40 acts on the petition.

1-41 (c) Within a reasonable time after receipt of a petition
 1-42 from the attorney general under Subsection (a), the chief justice
 1-43 of the supreme court shall grant the petition and issue an order
 1-44 transferring the case to a special three-judge district court
 1-45 convened as provided by Section 22A.002.

1-46 Sec. 22A.002. SPECIAL THREE-JUDGE DISTRICT COURT. (a) On
 1-47 receipt of a petition under Section 22A.001, the chief justice
 1-48 shall order a special three-judge district court to convene and
 1-49 shall appoint three persons to serve on the court as follows:

1-50 (1) the district judge of the judicial district to
 1-51 which the original case was assigned;

1-52 (2) one district judge of a judicial district other
 1-53 than a judicial district in the same county as the judicial district
 1-54 to which the original case was assigned; and

1-55 (3) one justice of a court of appeals other than:

1-56 (A) the court of appeals in the court of appeals
 1-57 district in which the original case was assigned; or

1-58 (B) a court of appeals district in which the
 1-59 district judge appointed under Subdivision (2) sits.

1-60 (b) A judge or justice appointed under Subsection (a)(2) or

2-1 (3) must have been elected to that office and may not be serving an
2-2 appointed term of office.

2-3 (c) A special three-judge district court convened under
2-4 this section shall conduct all hearings in the district court to
2-5 which the original case was assigned and may use the courtroom,
2-6 other facilities, and administrative support of the district court.

2-7 (d) The Office of Court Administration of the Texas Judicial
2-8 System shall pay the travel expenses and other incidental costs
2-9 related to convening a special three-judge district court under
2-10 this chapter.

2-11 Sec. 22A.003. CONSOLIDATION OF RELATED ACTIONS. (a) In
2-12 this section, "related case" means any case in which this state or a
2-13 state officer or agency is a defendant that arises from the same
2-14 nucleus of operative facts as the claim before a special
2-15 three-judge district court under this chapter, regardless of the
2-16 legal claims or causes of action asserted in the related case.

2-17 (b) On the motion of any party to a case assigned to a
2-18 special three-judge district court under Section 22A.002, the court
2-19 by order shall consolidate with the cause of action before the court
2-20 any related case pending in any district court or other court in
2-21 this state.

2-22 (c) A case consolidated under Subsection (b) must be
2-23 transferred to the special three-judge district court if the court
2-24 finds that transfer is necessary. The transfer may occur without
2-25 the consent of the parties to the related case or of the court in
2-26 which the related case is pending.

2-27 Sec. 22A.004. APPLICATION OF TEXAS RULES OF CIVIL
2-28 PROCEDURE. (a) Except as provided by this section, the Texas
2-29 Rules of Civil Procedure and all other statutes and rules
2-30 applicable to civil litigation in a district court in this state
2-31 apply to proceedings before a special three-judge district court.

2-32 (b) The supreme court may adopt rules for the operation of a
2-33 special three-judge district court convened under this chapter and
2-34 for the procedures of the court.

2-35 Sec. 22A.005. ACTIONS BY JUDGE OR JUSTICE. (a) With the
2-36 unanimous consent of the three judges sitting on a special
2-37 three-judge district court, a judge or justice of the court may:

- 2-38 (1) independently conduct pretrial proceedings; and
- 2-39 (2) enter interlocutory orders before trial.

2-40 (b) A judge or justice of a special three-judge district
2-41 court may not independently enter a temporary restraining order,
2-42 temporary injunction, or any order that finally disposes of a claim
2-43 before the court.

2-44 (c) Any independent action taken by one judge or justice of
2-45 a special three-judge district court related to a claim before the
2-46 court may be reviewed by the entire court at any time before final
2-47 judgment.

2-48 Sec. 22A.006. APPEAL. (a) An appeal from an appealable
2-49 interlocutory order or final judgment of a special three-judge
2-50 district court is to the supreme court.

2-51 (b) The supreme court may adopt rules for appeals from a
2-52 special three-judge district court.

2-53 SECTION 2. This Act takes effect immediately if it receives
2-54 a vote of two-thirds of all the members elected to each house, as
2-55 provided by Section 39, Article III, Texas Constitution. If this
2-56 Act does not receive the vote necessary for immediate effect, this
2-57 Act takes effect September 1, 2015.

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